

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-23-197-RAW

RUSSELL RICHARD FINCHER,

Defendant.

**UNITED STATES' RESPONSE TO DEFENDANT'S MOTION
FOR RETURN OF SEIZED PROPERTY**

On March 1, 2024, Defendant filed a motion seeking the immediate return of personal property seized from his residence by the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). *See* (ECF No. 21) (the "Motion"). This property consists of an Apple iPhone 12 Pro, an E machine computer tower, model ET1336, serial number PTNBA020019620D8672700 and a red Hewlett-Packard laptop computer, model RTL8821CE, serial number CND1133Y37. *Id.* at 1. Given that the United States intends on returning the above-mentioned property to Defendant, it respectfully requests that the Motion be denied as moot.

I. FACTUAL AND PROCEDURAL BACKGROUND

On June 16, 2023, agents with the ATF executed a federal search warrant at Defendant's residence located at 162600 N. 4346 Lane in Tuskahoma, Oklahoma. During that search, law enforcement seized, among other things, an: (i) Apple iPhone 12 Pro; (ii) E Machine computer tower, model ET1336; and (iii) a red Hewlett-Packard laptop computer. On the same date, Defendant consented to a search of all three devices.

On June 27, 2023, ATF special agents completed an extraction of the Apple, iPhone, and those findings were produced to Defendant in November of 2023. The ATF is currently still in

possession of this device.

On February 29, 2024, United States Magistrate Judge Edward Snow authorized a federal search warrant of the E machine computer tower and Hewlett-Packard laptop computer. Law enforcement is working on extracting those devices in accordance with the warrant, and they anticipate finalizing their review within the next two weeks.

II. ARGUMENT

The United States would submit to the Court that the Motion should be denied as moot. As noted above, law enforcement has completed its search of the Apple iPhone and has almost finished with the extraction of the computer tower and laptop. Once the latter two devices have been examined, the United States will coordinate with opposing counsel to return all three items of personal property back to Defendant.

III. CONCLUSION

The United States respectfully requests that the Motion be denied for the reasons set forth above.

Respectfully submitted,

CHRISTOPHER J. WILSON
United States Attorney

s/ Joshua Satter
JOSHUA SATTER, NYBA #5477112
Assistant United States Attorney
Attorney for the Plaintiff
520 Denison Avenue
Muskogee, OK 74401
(918) 684-5100
Email: Josh.Satter@usdoj.gov

CERTIFICATE OF SERVICE

I, hereby certify that on March 8, 2024, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Brian Deer, Attorney for Defendant

s/ Joshua Satter
JOSHUA SATTER
Office of the United States Attorney